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6 **UNITED STATES BANKRUPTCY COURT**
7 **FOR THE DISTRICT OF NEVADA**

8 In re:

9 WILLIAM J. LEAVITT, JR.,

10 Debtor.

Case No. 24-13197-mkn
Chapter 11

11 REQUESTED HEARING

12 **MOTION FOR EXTENSION OF AUTOMATIC STAY**

13 WILLIAM J. LEAVITT, JR. ("Debtor") by and through his counsel, the Law Offices of
14 Timothy P. Thomas, LLC ("Thomas firm"), moves this court for effectuate the automatic stay
15 pursuant to 11 U.S.C. 362(c)(4). This Motion is made and based upon the following information
16 and the papers and pleadings on file herein.
17

18 **I. STATEMENT OF FACT**

- 19 1. Debtor filed its Voluntary Petition under Chapter 11, Subchapter V, of the U.S.
20 Bankruptcy Code on June 26, 2024.
21
22 2. On February 22, 2024, Debtor filed a Voluntary Petition under Chapter 13 of the
23 U.S. Bankruptcy Code, District of Nevada, Case No 24-10799-mkn. On June 4,
24 2024, that case was dismissed for failure to file a timely plan and failure to make
25 plan payments. [ECF 35]
26
27
28

3. The Debtor is an individual with business operations that involve multiple parcels of real property. The Debtor's income is limited to social security income and a plan could not be feasible to satisfy the secured claims.
4. The Debtor seeks to have the court order the automatic stay under 11 U.S.C 362 to be extended in this case through confirmation of a chapter 11 plan or dismissal.
5. The cases filed by the Debtor were filed in good faith to avoid foreclosure of real property, which has value in excess of the outstanding secured claims. Debtor has retained counsel and intends to prosecute this case and cooperate fully with the U.S. Trustee's office to facilitate the creation and confirmation of plan.
6. The Debtor holds real property parcels that are subject to secured claims of approximately \$1,450,000. The Debtor has a pending offer to purchase the properties for a price of \$2.2 million dollars. The Debtor is filing a Motion to Approve Sale on shortened time to complete the sale as soon as commercially possible and satisfy the secured claims. There are only minimal general unsecured claims which should be satisfied by the sale.

II. STATEMENT OF LAW

11 U.S.C. §362(c)(4)(B)(i) allows a debtor to file a motion to apply the automatic stay to any and all creditors , upon notice and hearing to be completed within 30 days of filing the later case, and upon a showing that the filing is in good faith as to the creditors to be stayed.

Section 363(c)(4) states in relevant part,

- (A) (i) If a single or joint case is filed by or against the debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous

1 year but were dismissed, other than a case refiled under a chapter other than chapter 7 after
2 dismissal under section 707(b), the stay under subsection (a) shall not go into effect upon
3 the filing of the later case.; and

4 (ii) on request of a party in interest, the court shall promptly enter an order
5 confirming that no stay is in effect;

6 (B) If, within 30 days after the filing of the later case, a party in interest requests the court may
7 order the stay to take effect in the case as to any or all creditors (subject to such conditions
8 or limitations as the court may impose), after notice and hearing, only if the party in interest
9 demonstrates that the filing of the later case is in good faith as to the creditors to be stayed.

10 (C) A stay imposed under subparagraph (B) shall be effective on the date of the entry of the
11 order allowing the stay to go into effect; (emphasis added)

12 In the instant case, the Debtor has prepared the petition and documents in a timely manner
13 and brings this motion on quickly to protect the assets of the estate. Debtor is preparing to sell
14 the real property to fund a plan.

15 Debtor is requesting that the Court apply and extend the automatic stay as to all creditors
16 to the allow the Debtor to propose a good faith plan of reorganization to repay creditors. The
17 assets of the estate are essential to allow the Debtor to operate and produce revenue for repayment
18 and operation of the businesses involved.

19 WHEREFORE, Debtor respectfully requests that the Court extend the Automatic Stay
20 pursuant to 11 U.S.C. §362(c)(3)(B), and any other relief as the Court deems just and proper in
21 the circumstances.

22 Dated this 6 day of July, 2024.

23 Submitted by:
24 LAW OFFICE OF TIMOTHY P. THOMAS, LLC

25 /s/ Timothy P. Thomas
26 Timothy P. Thomas, Esq.
27 Nevada State Bar No. 5148
28 1771 E. Flamingo Road, Suite B-212
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(702) 227-0011
Counsel for Debtor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the following: MOTION FOR EXTENSION OF THE
AUTOMATIC STAY was served on this 6 of July, 2024, by:

Electronic service to the ECF service matrix and by depositing a true and correct copy of the
above in a mailbox of the US Post Office, enclosed in a sealed envelope, postage prepaid thereon,
addressed to the following interested parties:

U.S. Trustee Office
300 Las Vegas Blvd. South, #4300
Las Vegas, NV 89101

Submitted by:

/s/ Kimberly Nunez

An employee of The Law Office of
Timothy P. Thomas, LLC